

CHAPTER 3 CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES

Sec.

300	Authority of the Director
301	Mandatory Revocations
302	Suspension and Revocation for Traffic Offenses
303	Establishment of a Point System
304	Suspension for Failure to Comply with Traffic Citations
305	Loss of all Operating Privileges and Surrender of License
306	Period of Suspension or Revocation
307	Notice of Suspension or Revocation
308	Service of Suspensions or Revocation Notices Following Arrest
309	Hearings on Proposed Suspensions and Revocations
310	Limited occupational Licenses

300 AUTHORITY OF THE DIRECTOR

- 300.1 The Director, after notice and hearing, is authorized to cancel any license upon determination that the licensee was not entitled to the issuance of the license, that the licensee failed to give the required or correct information in the application, or that the prescribed fee has not been paid.
- 300.2 The Director is authorized, after giving notice and an opportunity for hearing, to suspend or revoke the license of any person upon a showing, by records or other sufficient evidence, of any of the grounds for suspension or revocation set forth in this chapter.
- 300.3 A non-resident's privilege of driving a motor vehicle on the highways of the District shall be subject to suspension or revocation by the Director in the same manner and for like cause(s) as a District driver's license may be suspended or revoked.
- 300.4 If a non-resident driver of a motor vehicle is convicted of an offense in the District or is determined liable for an infraction in the District, the Director may forward a certified copy of the record of the conviction or determination of liability to the motor vehicle administrator of the jurisdiction where the driver resides.
- 300.5 If a nonresident's operating privilege is suspended or revoked, the Director shall forward a certified copy of the record of the action to the motor vehicle administrator in the jurisdiction where that person resides.
- 300.6 The Director is authorized to suspend or revoke the license of any resident of the District or the privilege of a nonresident to drive a motor vehicle in the District upon receiving notice of the conviction of or determination of the liability of that person in another jurisdiction of an offense or infraction in the other jurisdiction which, if committed in the District, would be grounds for suspension or revocation of the license of a driver.

- 300.7 The Director may give the same effect to conduct of a resident in another jurisdiction as would be provided by the laws of the District if the conduct had occurred in the District.
- 300.8 For the purpose of identifying habitual or frequent violators of traffic regulations, the Director shall establish a uniform system assigning demerit points for convictions of violations of traffic regulations or civil adjudications establishing the commission of traffic infractions.
- 300.9 The Director may assess points for convictions or determinations of liability in other jurisdictions of offenses or infractions, which if committed in the District, would be grounds for such assessment.

301 MANDATORY REVOCATIONS

- 301.1 The Director shall forthwith revoke the license of any person upon receiving a record of such person's conviction of any of the following offenses:
- (a) Operating or being in control of a motor vehicle while the person's blood contains eight one-hundredths of one percent (0.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof;
 - (b) Any homicide committed by means of a motor vehicle;
 - (c) Leaving the scene of an accident in which the motor vehicle driven by him or her was involved and in which there is personal injury without giving assistance or making known his or her identity and address and the identity and address of the owner of the vehicle;
 - (d) Reckless driving or operating a motor vehicle while the ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor involving personal injury;
 - (e) Any felony in the commission of which a motor vehicle is used; or
 - (f) If the person is under twenty-one (21) years of age, operating a motor vehicle while the person's blood, breath, or urine contains any measurable amount of alcohol.
- 301.2 The Director shall revoke, for one (1) year, the license of any person who refuses to submit to chemical testing upon receipt of an officer's sworn report as required by § 5(a) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1018, D.C. Official Code § 50-1905(a)).

302 SUSPENSION AND REVOCATION FOR TRAFFIC OFFENSES

- 302.1 Negligent involvement as a driver in any accident, which resulted in the death of another person, is grounds for suspension or revocation
- 302.2 Not being physically or mentally qualified to operate a motor vehicle in a manner which will not jeopardize the safety of persons or property, in the opinion of the Director, is grounds for suspension or revocation.
- 302.3 Operating a motor vehicle at a speed in excess of thirty (30) miles per hour above the authorized speed limit is grounds for suspension or revocation.
- 302.4 Commitment by a driver of a traffic violation resulting in an accident for which, by order of the Superior Court of the District of Columbia, collateral of fifty dollars (\$ 50.00) or more, or a bond in any amount, is required is grounds for suspension or revocation.
- 302.5 Operating a motor vehicle while physically or mentally unqualified to operate a motor vehicle by reason of diabetic coma, or epileptic or other seizure, is grounds for suspension or revocation.
- 302.6 Having been convicted or found civilly liable pursuant to the District of Columbia Traffic Adjudication Act with such frequency of offenses against traffic regulations of the District of Columbia and elsewhere as to indicate a disrespect for traffic laws and a disregard for the safety of other persons or property, such fact being established by the point system described in § 303 of this chapter, is grounds for suspension or revocation.
- 302.7 Having committed an offense for which mandatory revocation is required under § 301.1 is grounds for suspension or revocation.
- 302.8 Having been convicted or found civilly liable for a pattern of traffic offenses or infractions over a one (1) year period which indicates a disregard for the safety of other persons or property is grounds for suspension or revocation.
- 302.9 Failure to appear at a hearing for the administrative adjudication of a traffic infraction pursuant to the District of Columbia Traffic Adjudication Act is grounds for suspension or revocation.
- 302.10 Operating a motor vehicle or permitting the operation of a motor vehicle which is not insured pursuant to the No-Fault Insurance Act is grounds for suspension or revocation.
- 302.11 Providing the Director with false or inaccurate information as requested by the Director pursuant to § 411.10 or § 413.12 is grounds for suspensions or revocation.
- 302.12 Falsely certifying to the Director that a motor vehicle is insured pursuant to the No-Fault Insurance Act is grounds for suspension or revocation.
- 302.13 Being convicted of a violation of the No-Fault Insurance Act is grounds for suspension or revocation.

- 302.14 Reckless driving, as that term is defined in § 9 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-2201.04), is grounds for suspension or revocation.
- 302.15 Offenses and circumstances listed in § 13(a) of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1403.01 (a)) are grounds for license suspension or revocation.

303 ESTABLISHMENT OF A POINT SYSTEM

- 303.1 Points shall be assessed against the driving record of an individual upon receipt of evidence of a traffic conviction, not including automated traffic enforcement systems as defined in section 303.15, or after an individual has either admitted committing, paid a fine for committing, or has been found by the Director or his designee, to have committed, a traffic offense made pointable by this or any other provision of this title, except that points may be assessed against a person under eighteen (18) years of age at the discretion of the Director.
- 303.2 Points shall be assessed in accordance with the following schedule.

POINT SYSTEMS SCHEDULE

- | | | |
|-----|--|----------|
| (a) | Operating a motor vehicle in violation of a permit restriction | 4 points |
| (b) | Violations not listed in this schedule which did not contribute to an accident | 2 points |
| (c) | Violations not listed in this section contributing to an accident | 3 points |
| (d) | Speeding in excess of posted speed limit by 11-15 miles an hour | 3 points |
| (e) | Speeding in excess of posted speed limit by 16-20 miles an hour | 4 points |
| (f) | Speeding in excess of posted speed limit by at least 21 miles an hour or more | 5 points |
| (g) | REPEALED | |
| (h) | Leaving after colliding: With property damage | 8 points |

(i)	Leaving after colliding: With personal injury	12 points
(j)	Reckless driving	12 points
(k)	Operating after suspension or revocation	12 points
(l)	Using permit of another	12 points
(m)	Conviction for a homicide or assault committed by means of an automobile	12 points
(n)	Operating or being in control of a motor vehicle while the person's blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof; or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor. [Paragraph originally identified in legislation as 303.1 (m)]	12 points
(o)	Any felony involving use of a motor vehicle	12 points
(p)	Any misdemeanor involving use of a motor vehicle	6 points
(q)	Failing to yield right-of-way to authorized emergency vehicle	6 points
(r)	Operating a motor vehicle while the person's blood, breath, or urine contains any measurable amount of alcohol, if the person is under twenty-one (21) years of age	12 points
(s)	Following another vehicle too closely	2 points

- | | | |
|------|--|-----------|
| (t) | Operating a motor vehicle with an improper class of license | 2 points |
| (u) | Failing to stop for a school vehicle with alternately flashing lights | 4 points |
| (v) | Operating a motor vehicle on learner's permit unaccompanied by licensed operator | 5 points |
| (w) | Turning off headlights of a vehicle to avoid identification by a police officer | 8 points |
| (x) | Fleeing or attempting to elude a police officer | 12 points |
| (y) | Making a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Department under any law relating to the ownership or operation of motor vehicles | 12 points |
| (z) | Any violation committed while operating a vehicle without the permission of the owner | 12 points |
| (aa) | Operating a motor vehicle with a permit expired less than 90 days | 2 points |

- 303.3 The Director or hearing examiner shall, in accordance with 307.2, order the suspension of a person's license when the number of points accumulated reaches a total of ten (10) points.
- 303.4 The Director or hearing examiner may order the suspension of a person's license when the number of points accumulated reached a total of eight (8) or nine (9) points.
- 303.5 The Director or hearing examiner shall order the revocation of the person's license when the number of points accumulated reaches a total of twelve (12) points.
- 303.6 (REPEALED)
- 303.7 No person shall have his or her license revoked or suspended under this section if the ground(s) on which the suspension or revocation is (are) based has (have) been the subject of a trial in the Superior Court of the District of Columbia and judgment or verdict was in favor of that person.

- 303.8 Points added to a driving record shall be deleted two (2) years after the date of assessment.
- 303.9 The Director shall assign one (1) safe driving point each year, up to a maximum accumulation of five (5) points, to the driving record of a licensee who was not assessed points during the proceeding year.
- 303.10 Accumulated safe driving points may be used to offset assessed points in the chronological order in which the points were assessed.
- 303.11 In traffic cases submitted to military authorities, points will be assessed immediately upon notification to the Director that the military authorities have taken disciplinary action as the result of the arrest of service personnel for moving violations.
- 303.12 Traffic offenses certified as having been committed by a District licensee in another jurisdiction shall be identified on the licensee's driving record as the most similar District traffic offense.
- 303.13 The Director may redesignate an offense assigned to a driving record pursuant to section 303.12, if the licensee demonstrates that the traffic offense committed in another jurisdiction on its facts would have been considered a different offense if committed in the District.
- 303.15 For the purposes of this section the term “automated traffic enforcement system” means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking of a photograph with the occurrence of a traffic infraction.”
- 303.16 The Director is authorized to make changes to the point system schedule, in accordance with Title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1986 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)
- 303.17 A safe driving point assigned pursuant to § 303.9 shall expire after five (5) years.

304 SUSPENSION FOR FAILURE TO COMPLY WITH TRAFFIC CITATIONS

- 304.1 The Director is authorized to suspend the operator's license of any resident of the District of Columbia who, having been arrested for a moving traffic violation in the District and, having been permitted to receive a traffic violation notice in lieu of being required to post collateral or bond to secure appearance for trial, failed to comply with the terms of the traffic violation notice.
- 304.2 The Director may suspend the license of any resident of the District who, having been arrested for a traffic violation in another jurisdiction and, under the terms of an agreement between the District and another jurisdiction, is permitted

to receive a citation in place of being required to post collateral or bond to secure appearance for trial, and having signed an agreement that he or she shall comply with the terms of a citation served upon him or her at the time of arrest to appear for trial, to post bond or collateral or to pay a fine, has failed to comply with the terms of the agreement.

- 304.3 The suspension shall remain in effect until such person shall furnish evidence satisfactory to the Director that he or she has fully complied with the terms of the citation or traffic violation notice which was the basis for the suspension order.

305 LOSS OF ALL OPERATING PRIVILEGES AND SURRENDER OF LICENSE

- 305.1 No person shall drive a motor vehicle on any public highway in the District at any time when his or her privilege to do so is suspended or revoked.
- 305.2 Any resident or non-resident whose driver's license or privilege to operate a motor vehicle in the District has been revoked or suspended shall not operate a motor vehicle in the District under a license or permit issued by any other jurisdiction or otherwise during the suspension or after the revocation until a new license is obtained or the non-resident privilege is restored according to the provisions of this chapter.
- 305.3 The Director upon canceling, suspending or revoking a license shall require that the license shall be surrendered to and retained by the Department.
- 305.4 Any person whose license has been canceled, suspended, or revoked shall immediately return the license to the Department.
- 305.5 The Director, upon receiving record of the conviction of any person of a violation of § 305.1, may extend the period of suspension or revocation for an additional period of the same length.
- 305.6 Whenever the license or privilege of a nonresident is suspended or revoked, notice of the suspension or revocation shall be forwarded to the licensing authority of the jurisdiction of the non-resident. For purposes of this subsection, a non-resident shall include any person holding a license from another jurisdiction.

306 PERIOD OF SUSPENSION OR REVOCATION

- 306.1 The suspension shall be from two (2) to ninety (90) days, at the discretion of the Director, based upon the seriousness of the case; except that the period of a license suspension due to point accumulation pursuant to § 303.3 shall be ninety (90) days.

- 306.2 The period of suspension for a person whose license or privilege has been suspended for failure to appear at a hearing for the administrative adjudication of a traffic infraction or for failure to pay a civil fine and any penalties or attend traffic school pursuant to the District of Columbia Traffic Adjudication Act shall terminate only upon the payment of such fines and penalties or the successful completion of traffic school.
- 306.3 At the end of a period of suspension a license surrendered to the Director shall be returned to the licensee, subject to the payment of the reinstatement fee.
- 306.4 The initial revocation period under the discretionary authority of the Department shall be for six (6) months. The period of revocation for subsequent offenses shall be established in the discretion of the Director, but shall be for definite amounts of time.
- 306.5 The initial period of revocation following conviction of an offense for which revocation is made mandatory by law, ~~pursuant to § 301 of this chapter~~ shall be six (6) months. The period of revocation shall be one (1) year following a second offense, and two (2) years following a third or subsequent offense(s).
- 306.6 Unless a minimum period has been established in an individual case involving a person's physical or mental qualifications to drive, each person whose license has been revoked shall be eligible to apply for restoration of privileges at the expiration of the period for which the privileges have been revoked.
- 306.7 The Director shall not issue a new license to a resident or restore the operating privilege of any nonresident whose license has been revoked unless and until he or she is satisfied, after investigation of the driving ability of that person, that it will be safe to grant the privilege of driving a motor vehicle.
- 306.8 In cases where a person's license has been revoked for operating a vehicle while the person's blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percents (.10%) or more, by weight, of alcohol, under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor, the Director shall investigate the alcohol and drug consumption habits of that person, in addition to driving ability, prior to the reissuance or restoration of the license.
- 306.9 An applicant for reinstatement after a suspension or revocation for an alcohol-related offense may be required to pass a Breathalyzer test, at the discretion of the Director.
- 306.10 Any applicant who was revoked pursuant to §§ 301 or 302 for an alcohol or drug related violation and who did not have a hearing before the Department on the grounds for that revocation, shall have completed a state-certified drug and/or alcohol counseling program, as applicable, prior to reinstatement, unless

that person proves at a reinstatement hearing that their participation in such a program is not necessary.

- 306.11 Any person whose driving privileges were withdrawn pursuant to § 13 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1403.01), and who was approved for a diversion program by the Superior Court of the District of Columbia may apply to the Director for dismissal of the revocation or suspension action.
- 306.12 If a hearing was requested on the suspension or revocation, the request for dismissal pursuant to 306.11 must be made no fewer than five (5) days before the scheduled hearing date.
- 306.13 Any license reinstated because the action was dismissed pursuant to § 306.11 shall be conditioned on the successful completion of the diversion program.
- 306.14 If a driver's license is suspended or revoked pursuant to § 302 of this title and is subsequently revoked again based upon a court conviction for the same underlying offense, the Director may allow the suspension and revocation periods to run concurrently or may credit time already spent in suspension or revocation status towards the duration of the revocation based on a court conviction.

307 NOTICE OF SUSPENSION OR REVOCATION

- 307.1 Whenever the Director, acting under this chapter, revokes the license of any person as a consequence of a conviction for a traffic offense for which mandatory revocation is required, or pursuant to § 5 of the Clean Hands Act (D.C.Code § 47-2864), an order of revocation shall be prepared setting forth the proposed action and the grounds therefor in sufficient detail to permit the person to understand fully the nature of the order and the reasons for the order and shall include complete information on the manner in which that person may seek restoration of the license.
- 307.2 Whenever the Director or a hearing examiner, pursuant to §§ 303.3 and 303.5, orders the suspension or revocation of a license because of the accumulation of traffic points, the suspension or revocation order shall include a copy of the licensee's driver's record. The notice shall notify the person that the order will take effect within ten (10) days (fifteen (15) days if the person is a non-resident), unless that person files a written objection with the Director or hearing examiner based solely upon the accuracy of the driving record. The filing of an objection operates as a stay of the order until the Director or hearing examiner renders a written decision on the objection.
- 307.3 Whenever the Director acting under this chapter, proposes to revoke or suspend the license of any person for any reason which does not require a revocation, a

notice of proposed suspension or revocation shall be prepared setting forth the proposed action and the grounds for the proposed action in sufficient detail to permit that person to understand fully the nature of the proposed action and the reasons for the proposed action.

- 307.4 The notice shall take effect within ten (10) days (fifteen (15) days if the person is a non-resident) unless that person files a written petition with the Director for a hearing in which the Director must prove sufficient grounds for the proposed action. The demand shall be filed in the manner prescribed in chapter 10. the filing of such a demand does not operate as a stay of such order when the order has been issued revoking or suspending a permit on account of mental or physical incapacity, for driving while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor; for manslaughter when an automobile is involved, or for operating a motor vehicle equipped with a smoke screen. Each notice issued pursuant to this section shall inform the respondent of the effective date of the notice and the right to a hearing.
- 307.5 Any notice or order served under the authority of the rules of this chapter shall be deemed to be properly served upon the person to whom such notice is directed if a copy of the notice is served upon him personally, or if a copy of the notice is mailed postage prepaid to the last known address of the person to be notified and that copy is not returned by the Post Office authorities.
- 307.6 For the purpose of these regulations, with respect to any person licensed by the District to operate a motor vehicle or whose motor vehicle is registered in the District, the term "last known address" shall mean the most recent address shown on the records of the Department.
- 307.7 Proof of service of any notice or order in the manner specified by this section shall be made by the certificate or affidavit of any officer or employee of the District, naming the person on whom the notice or order was served and specifying the time, place, and manner of service.

308 SERVICE OF SUSPENSIONS OR REVOCATION NOTICES FOLLOWING ARREST

- 308.1 Whenever any person has been arrested for a traffic violation or cited for a traffic infraction involving any of the situations listed in § 301 or § 302 of this chapter, the police officer shall make a report to and the arrested or cited person shall be interviewed by an official of the Metropolitan Police Department who shall serve on that person a notice of proposed suspension or revocation on a form provided by the Director suspending or revoking the license of that person.

- 308.2 The notice of proposed suspension or revocation shall comply with the provisions of § 307 of this chapter, and shall be dated and signed by the police official who shall indicate on the notice the reason for the service of the notice of proposed action.
- 308.3 The police official shall forthwith deliver to a precinct station clerk a copy of the notice of proposed action and the officer's statement of the offense or infraction believed committed.
- 308.4 The police official shall, at the time of service of the notice of proposed suspension or revocation, notify by telephone the Director of the action taken.
- 308.5 If the physical or mental condition of a person arrested or cited is such that, in the opinion of an attending physician, that person is incapable of receiving service of a notice of proposed suspension or revocation or of understanding the meaning of the notice, the police official shall prepare a report on the condition of the person and shall deliver the report to a precinct station clerk.
- 308.6 Within twenty-four (24) hours from the time a copy of the notice of proposed suspension or revocation, or a report showing that the person arrested or cited was incapable of being served with notice, is received by a precinct station clerk, the commanding officer of the precinct shall forward or cause to be forwarded to the Director a copy of the notice or report, whichever is applicable.
- 308.7 The police official who serves a notice of proposed suspension or revocation on a person arrested or cited under this section should place a stamped notation on the face of any license issued by the District to and in the possession of that person indicating that the notice has been served.
- 308.8 No person so served shall refuse to allow an official at the time of service of the notice to stamp on his or her license the notation required in § 308.7.
- 308.9 A person refusing to allow the notation on his or her license shall, on determination of liability for such refusal, be subject to a civil fine or other sanction pursuant to the District of Columbia Traffic Adjudication Act.

309 HEARINGS ON PROPOSED SUSPENSIONS AND REVOCATIONS

- 309.1 A person whose license has been proposed to be revoked or suspended by the Director under the Director's discretionary authority may petition for a hearing subject to the provisions of chapter 10.
- 309.2 Based on the findings of the hearing, the Director shall render a decision on the proposed action.
- 309.3 The Director may dismiss the action; order that the proposed action be taken; direct that probation be granted to the petitioner and fix the terms and conditions of the probation; allow a limited license, or suspend where a revocation was proposed, if, in his or her judgment, the driving record, the general good character of the licensee, and the need for such license is such that the safety of the public will not be impaired and that the license is otherwise justified.

- 309.4 In the event a limited license is granted, the limits with respect to the period of revocation or suspension in § 306 of this chapter need not apply, at the discretion of the Director.
- 309.5 The Director shall give special consideration to the grant of a limited license to those persons whose livelihood entails driving.
- 309.6 Whenever the Director directs that probation be granted to the petitioner, he or she may, in place of suspension or revocation, place the person on probation, the terms of which may include a period of suspension as a condition of probation, and may issue a probationary license with such reasonable terms, conditions, and limitations deemed appropriate by the Director.
- 309.7 The Director may terminate or modify the terms or conditions of any order of probation whenever good cause appears therefor.
- 309.8 The Director may modify a suspension or revocation by allowing a limited license with such reasonable conditions, and limitations as he or she may deem appropriate, including but not limited to, operation of particular vehicles, particular classes of operation, hours of operation, or limited areas and routes of travel.
- 309.9 Probationary licenses and licenses limited to particular operations of motor vehicles shall be noted as restrictions described in § 107 of chapter 1 of this title. The holders of the licenses shall be subject to any penalties prescribed in this title for the violation of the restriction(s).
- 309.10 Upon receipt of satisfactory evidence of a violation of any of the terms or conditions of probation or other limitations imposed upon a licensee, the Director may order the suspension or revocation of the privilege to operate a motor vehicle for the remaining portion of the original suspension or revocation for such additional period as he or she deems appropriate.
- 309.11 If, at the end of a hearing, revocation is ordered, the Director may condition the reinstatement of a license on the successful completion of a state-certified drug or alcohol counseling program, whichever is applicable.
- 309.12 Where a revocation or suspension is stayed under the circumstances provided for in § 13 of the District of Columbia Traffic Adjudication Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1403.01), and the respondent schedules a hearing but fails to appear on the date and time scheduled, the stay shall be lifted as of that date and time.

310 LIMITED OCCUPATIONAL LICENSES

- 310.1 Except as provided in § 310.7, a person whose driver's license is revoked or suspended may request, in writing, that the order be modified to allow the issuance or retention of a driver's license or privilege on a limited basis. An

examiner shall not grant the application unless the applicant demonstrates that the suspension or revocation imposes an extreme hardship for which there is no practical remedy and, in the judgment of the examiner, the safety of the public will not be impaired. The determination shall be based solely upon the written application.

- 310.2 In order to show extreme hardship, the applicant for an occupational license must show to the satisfaction of the examiner that loss of operating privileges precludes carrying out the applicant's normal business, trade or occupation, and that driving is necessary to support the applicant and his or her family.
- 310.3 In considering whether a limited license can be issued in the interest of the public safety and welfare, the examiner shall determine the general good character of the applicant, the number and seriousness of the violations on the applicant's traffic record, the period of time over which the violations were accumulated, the number and seriousness of violations committed by the applicant during the hours or in the area, or both, for which applicant desires the license, the ease or difficulty of enforcement of the conditions and limitations of the license, and the probable impact, so far as the examiner can determine, of the limitation on the future driving conduct of the applicant.
- 310.4 The applicant may prove his or her general good character by submitting with the application letters of recommendation from responsible business people, the employer of the applicant, law enforcement officers, judicial officials, or other credible persons.
- 310.5 If the applicant operates a commercial vehicle as a livelihood, the application shall be accompanied by a written request from the applicant's employer that the license be issued.
- 310.6 When an occupational license is issued, the period of suspension or revocation may be increased over that of the original suspension or revocation period to the extent that, in the judgment of the examiner, the increase is justified to carry out the intent under this title of protecting the public interest in safe driving and of improving the driving habits of applicants for licenses.
- 310.7 No occupational license shall be issued to the following:
 - (a) Applicants whose licenses are revoked for an offense for which revocation is made mandatory by law;
 - (b) Applicants whose licenses are revoked for physical or mental reasons;
 - (c) Applicants whose licenses are revoked as a result of a conviction for operating after suspension or revocation;
 - (d) Applicants who have accumulated sixteen (16) points on their driving record; or
 - (e) Applicants who received an occupational license within the preceding two (2) years.

- 310.8 A limited license may be issued with restrictions that will permit business use only, daylight hours only, driving to and from work, or any other limited use which, in the opinion of the hearing examiner is appropriate in carrying out the purpose of this section.
- 310.9 An occupational license shall be expressly conditioned on the licensee's compliance with all traffic laws and rules. Any violation, other than parking infractions, shall result in the immediate revocation of the occupational license and the doubling of the applicable period of suspension or revocation.